

IT IS ORDERED

Date Entered on Docket: November 28, 2012



The Honorable David T. Thuma  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

Kathy Hughes, 6002  
aka Kathy Crisp,  
aka Kathy Atwell

Case No. 7 11-11238 TR

Debtor.

**DEFAULT ORDER GRANTING NATIONWIDE ADVANTAGE MORTGAGE'S MOTION FOR  
ABANDONMENT OF PROPERTY LOCATED AT 7317 OLD CAVERN HWY, CARLSBAD**

This matter came before the Court on the Motion for Abandonment of Property located at 7317 Old Cavern Hwy, Carlsbad, filed on October 12, 2012, Docket No. 26 (the "Motion") by Nationwide Advantage Mortgage ("Movant"). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On October 12, 2012, Movant served the Motion and a notice of the Motion (the "Notice") on counsel of record for the Debtor(s) and the case trustee (the "Trustee") by use of the Court's case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Debtor(s) by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following property:

Lot 4, WAGONWHEEL ACRES SUBDIVISION NO. 1, to the City of Carlsbad, Eddy County, New Mexico, as shown on the official plat thereof on file in the office of the County Clerk of Eddy County, New Mexico

(c) The Notice specified an objection deadline of 14 days from the date of service of the Notice, to which three days was added under Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on October 29, 2012;

(f) As of November 13, 2012, neither the Debtor nor the Trustee, nor any other party in interest, filed an objection to the Motion;

(g) The Motion is well taken and should be granted as provided herein; and

(h) By submitting this Order to the Court for entry, the undersigned counsel for Movant certifies, under penalty of perjury that, on Athena Martinez, Bankruptcy Legal Assistant searched the data banks of the Department of Defense Manpower Data Center ("DMDC"), and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. The Trustee is deemed to have abandoned the Property from the estate pursuant to 11 U.S.C. §554 as of the date of entry of this Order, and the Property therefore no longer is property of the estate. As a result, Movant need not name the Trustee as a defendant in any state court action it may pursue to foreclosure liens against the Property and need not notify the Trustee of any sale of the Property.

2. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

XXX END OF ORDER XXX

Submitted by:

SUSAN C. LITTLE & ASSOCIATES, LTD.

By: /S/Electronically filed/ 11.26.12

Karen H. Bradley 

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